

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JIMMIE LEE RILEY,

Plaintiff,

Case No 1:05-cv-269

v

Hon. Wendell A. Miles

“JANE DOE” KURTZ (Clock No. 209),

Defendant.

_____ /

ORDER ON PLAINTIFF’S RULE 60 MOTION

The plaintiff in this action is a Michigan prisoner. In his complaint, he asserts claims under 42 U.S.C. § 1983 and state law against defendant, a Michigan corrections officer. On March 30, 2006, the court issued an Opinion and an Order dismissing plaintiff’s federal claims with prejudice, and declining to exercise supplemental jurisdiction over his state law claims. The matter is currently before the court on a letter from plaintiff dated June 16, 2006 (docket no. 35), seeking relief from the dismissal pursuant to Fed.R.Civ.P. 60.

For the reasons to follow, the court DENIES plaintiff’s request for relief.

Discussion

In his letter, plaintiff expressly relies on Fed.R.Civ.P. 60. This rule provides for relief from judgment on various grounds, including:

(1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under Rule 59(b); (3) fraud (whether heretofore denominated as intrinsic or extrinsic), misrepresentation, or other misconduct of an adverse party; . . . or (6) any other reason justifying relief from the operation of judgment . . .

Fed.R.Civ.P. 60(b). A party seeking relief under Rule 60(b) must establish that the facts of his case are within one of the enumerated reasons contained in the rule. Johnson v. Unknown Dellatifa, 357 F.3d 539, 543 (6th Cir. 2004).

Plaintiff has failed to satisfy any of the relevant standards set forth in Rule 60(b). He has not presented any evidence establishing mistake, newly discovered evidence, fraud, or any other reason justifying relief from the dismissal of his claims. Instead, plaintiff's letter merely repeats arguments which he has already made in the case.

Plaintiff's claims have been fully considered. He is not entitled to relief under Rule 60(b). His request is therefore DENIED.

So ordered this 15th day of August, 2006.

/s/ Wendell A. Miles
Wendell A. Miles
Senior U.S. District Judge